

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, ET AL.

Plaintiff,

Civil Case No.: 11cv6360  
FB/VVP

**AFFIDAVIT**

-against-

BENJAMIN YENTAL, M.D., ET AL.

Defendants.

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STATE OF NEW YORK )

COUNTY OF KINGS )

DAVID SAFIR, respectfully states, under the penalties of perjury, as follows:

1. I presently reside at 245 Exeter Street, Brooklyn, New York 11235. I have been living at this address for the past 6 years.
2. I was never served with a subpoena to testify as a non-party witness at a deposition in connection with the above captioned matter.
3. I have reviewed the alleged subpoena which indicates my address as 388 Avenue S, Apt. 4A, Brooklyn, New York 11223. I have further reviewed the Proof of Service submitted by the Plaintiff. This proof of service indicates that one Lisa Cohen Loew attached to the door and later mailed a copy of the alleged subpoena to the address of 388 Avenue S, Apt. 4A, Brooklyn, New York 11223. However, I have not lived at this address for the past 6 years.
4. I have attached to my affidavit proof that I do not reside at 388 Avenue S, Apt. 4A, Brooklyn, New York 11223 and did not reside there on 9/12/12, which is the date the plaintiff allegedly attempted

service of the subpoena on me.



DAVID SAFIR

Sworn to before me on the 6<sup>th</sup>  
day of December, 2012



NOTARY PUBLIC

**Michelle Chamelev  
Notary Public State of New York  
Registration No. 01CH6269672  
Qualified in Kings County  
Commission Expires October 1, 2016**

